

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**DEBBIE BARAJAS, Individually and as the
Representative of the Estate of
BALDOMERO BARAJAS, Deceased,**

Plaintiff,

v.

No. CIV-15-0350 KG/LAM

UNION PACIFIC RAILROAD COMPANY,

Defendant.

ORDER DENYING MOTION TO APPOINT PERSONAL REPRESENTATIVE

THIS MATTER is before the Court on *Plaintiff's Motion to Appoint Debbie Barajas as the Personal Representative of the Estate of Baldomero Barajas* (Doc. 34), filed July 10, 2015. In this motion, Plaintiff asks the Court to appoint Debbie Barajas as the Personal Representative of the Estate of Baldomero Barajas pursuant to N.M.S.A. 1978 § 41-2-3 to serve as personal representative for purposes of pursuing a wrongful death action. Plaintiff provides no citation that states that this Court has either the jurisdiction or authority to appoint a personal representative pursuant to this state statute, and this Court is unaware of any such authority. Therefore, having considered the motion and relevant law, and having consulted with the presiding judge in this case, the Court **FINDS** that the motion is not well-taken and shall be **DENIED** as having been filed in the wrong court.

IT IS THEREFORE ORDERED that *Plaintiff's Motion to Appoint Debbie Barajas as the Personal Representative of the Estate of Baldomero Barajas* (Doc. 34) is **DENIED** as having been filed in the wrong court. Plaintiff may file this motion in state court, and shall

notify the Court as soon as Ms. Barajas has been appointed as personal representative so that this case may proceed.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE